

PROB 12B  
(7/93)

Report Date: November 6, 2008

**United States District Court**

for the

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

DEC 01 2008

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

Name of Offender: Daniel D Smith

Case Number: 2:03CR00228-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, U.S. District Judge

Date of Original Sentence: 6/10/2004

Type of Supervision: Supervised Release

Original Offense: Manufacture of 100 or More  
Marijuana Plants, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 11/6/2008

Original Sentence: Prison - 60 Months; TSR - 48  
Months

Date Supervision Expires: 11/5/2012

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.


**CAUSE**

The purpose of this petition is to apprise the Court of the status of the aforementioned case, in light of the Ninth Circuit Court of Appeals' finding in United States v. Stevens (9<sup>th</sup> Cir. 2005), and to request that the conditions of supervision be modified to authorize a maximum of six random drug tests per month.

Daniel Smith was asked whether he would waive his right to a hearing and agree to the modifications as previously described. As indicated by the enclosed Waiver of Hearing to Modify Conditions of Supervised Release form, Mr. Smith has agreed to the proposed modifications.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11-10-08

  
Tommy Rosser  
U.S. Probation Officer

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**Re: Smith, Daniel D**

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**THE COURT ORDERS**

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



**Signature of Judicial Officer**

December 1, 2008

**Date**